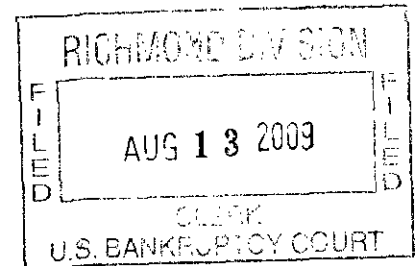


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



DEVELOPERS DIVERSIFIED REALTY  
CORPORATION, et al.,

Appellants,

v.

CIRCUIT CITY STORES, INC., et al.,  
Debtors-in-Possession

Appellees.

No. 3:09-CV-123-HEH

BRIGHTON COMMERCIAL, L.L.C., et al.,

Appellants,

v.

CIRCUIT CITY STORES, INC., et al.,  
Debtors-in-Possession

Appellees.

No. 3:09-CV-286-HEH

A TRUE COPY, TESTE:  
CLERK, U.S. DISTRICT COURT

BY C McCracken  
DEPUTY CLERK

**AGREED ORDER GRANTING MOTION TO  
DISMISS BANKRUPTCY APPEAL AS MOOT**

WHEREAS on June 29, 2009, Circuit City Stores, Inc. and its affiliated appellees (the "Appellees") filed their Motion to Dismiss Bankruptcy Appeal as Moot (the "Motion")<sup>1</sup>; and

WHEREAS, the Appellees and appellants in the bankruptcy appeal styled Port Arthur Holdings III, LTD v. Circuit City Stores, Inc., Case No. 09-232 (the "Port Arthur Appeal"), the appellants in the bankruptcy appeal styled 502-12 86th Street LLC, et al. v. Circuit City Stores, Inc., et al., Case No. 09-190 (the "502-12 Appeal"), and appellants (collectively, the

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

"Appellants") in the above-captioned consolidated bankruptcy appeal (the "Appeal") hereby agree to the relief sought in the Motion.

1. The Appeal is dismissed as moot.

2. This Order shall be dispositive, to the extent applicable, to the issues raised in the Port Arthur Appeal and the 502-12 Appeal pursuant to the Agreed Order Granting Motion to Consolidate Appeals, Establish Briefing Schedule, and Stay Appeals entered in the Appeal on May 11, 2009.

Signed:  /s/ \_\_\_\_\_

Entered: Aug. 10, 2009

United States District Court for  
The Eastern District of Virginia,  
Richmond Division

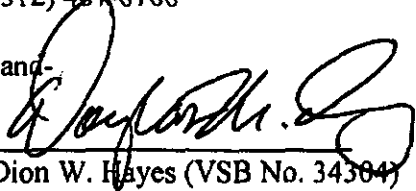
WE AGREE TO THIS

Gregg M. Galardi  
Ian S. Fredericks  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
P.O. Box 636  
Wilmington, Delaware 19899-0636  
(302) 651-3000

-and-

Chris L. Dickerson, Esq.  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
155 North Wacker Drive  
Chicago, Illinois 60606  
(312) 407-0700

-and-



Dion W. Hayes (VSB No. 34384)  
Douglas M. Foley (VSB No. 34364)  
MCGUIREWOODS LLP  
One James Center  
901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000  
*Counsel for Appellees*

---

Augustus C. Epps, Jr.  
Michael D. Mueller  
Noelle M. James  
Jennifer M. McLemore  
CHRISTIAN & BARTON, L.L.P.  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
(804) 697-4100  
*Counsel to Appellants Brighton Commercial L.L.C, et al.*

---

Michael P. Falzone  
Sheila deLa Cruz  
HIRSCHLER FLEISCHER, PC  
The Edgeworth Building  
2100 East Cary Street

**WE AGREE TO THIS**

Gregg M. Galardi  
Ian S. Fredericks  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
P.O. Box 636  
Wilmington, Delaware 19899-0636  
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-and-

Chris L. Dickerson, Esq.  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
155 North Wacker Drive  
Chicago, Illinois 60606  
(312) 407-0700

-and-

Dion W. Hayes (VSB No. 34304)  
Douglas M. Foley (VSB No. 34364)  
MCGUIREWOODS LLP  
One James Center  
901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000  
*Counsel for Appellees*



Augustus C. Epps, Jr.  
Michael D. Mueller  
Noelle M. James  
Jennifer M. McLemore  
CHRISTIAN & BARTON, L.L.P.  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
(804) 697-4100  
*Counsel to Appellants Brighton Commercial L.L.C, et al.*

Michael P. Falzone  
Sheila deLa Cruz  
HIRSCHLER FLEISCHER, PC  
The Edgeworth Building  
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SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
P.O. Box 636  
Wilmington, Delaware 19899-0636  
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-and-

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
155 North Wacker Drive  
Chicago, Illinois 60606  
(312) 407-0700


-and-

---

Dion W. Hayes (VSB No. 34304)  
Douglas M. Foley (VSB No. 34364)  
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One James Center  
901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000  
*Counsel for Appellees*

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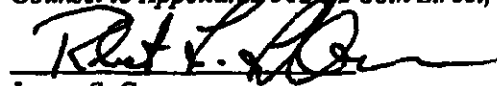
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Michael D. Mueller  
Noelle M. James  
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CHRISTIAN & BARTON, L.L.P.  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
(804) 697-4100  
*Counsel to Appellants Brighton Commercial L.L.C., et al.*



---

Michael P. Falzone  
Sheila deLa Cruz  
HIRSCHLER FLEISCHER, PC  
The Edgeworth Building  
2100 East Cary Street

P.O. Box 500  
Richmond, Virginia 23218  
(804) 771-9500  
*Counsel to Appellants 502 1/2 86th Street, et al.*



James S. Carr  
Robert L. LeHane  
KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, New York 10178-0002  
(212) 808-7800

-and-

David J. Ervin  
Joseph D. Wilson  
KELLEY DRYE & WARREN LLP  
Washington Harbour  
Suite 400  
3050 K Street, N.W.  
Washington, DC 20007  
(202) 342-8400  
*Counsel to Appellants Developers Diversified Realty Corporation, et al.*

---

David Howard Cox  
David A Rahnis  
JACKSON & CAMPBELL PC  
1120 Twentieth Street, N.W.  
South Tower  
Washington, DC 200036  
(202) 457-1600  
*Counsel to Appellant Port Arthur Holdings III, LTD*

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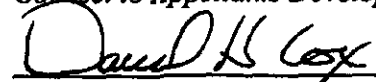
P.O. Box 500  
Richmond, Virginia 23218  
(804) 771-9500  
*Counsel to Appellants 502-12 86th Street, et al.*

---

James S. Carr  
Robert L. LeHane  
KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, New York 10178-0002  
(212) 808-7800

-and-

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Washington Harbour  
Suite 400  
3050 K Street, N.W.  
Washington, DC 20007  
(202) 342-8400  
*Counsel to Appellants Developers Diversified Realty Corporation, et al.*



David Howard Cox  
David A Rahnis  
JACKSON & CAMPBELL PC  
1120 Twentieth Street, N.W.  
South Tower  
Washington, DC 200036  
(202) 457-1600  
*Counsel to Appellant Port Arthur Holdings III, LTD*

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BRIGHTON COMMERCIAL, L.L.C., et al.,

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No. 3:09-CV-286-HEH

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Entered: Aug. 10, 2009

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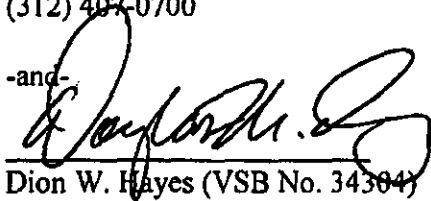
WE AGREE TO THIS

Gregg M. Galardi  
Ian S. Fredericks  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
P.O. Box 636  
Wilmington, Delaware 19899-0636  
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-and-

Chris L. Dickerson, Esq.  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP  
155 North Wacker Drive  
Chicago, Illinois 60606  
(312) 407-0700

-and-

  
Dion W. Hayes (VSB No. 34384)  
Douglas M. Foley (VSB No. 34364)  
MCGUIREWOODS LLP  
One James Center  
901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000  
*Counsel for Appellees*

---

Augustus C. Epps, Jr.  
Michael D. Mueller  
Noelle M. James  
Jennifer M. McLemore  
CHRISTIAN & BARTON, L.L.P.  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
(804) 697-4100  
*Counsel to Appellants Brighton Commercial L.L.C, et al.*

---

Michael P. Falzone  
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HIRSCHLER FLEISCHER, PC  
The Edgeworth Building  
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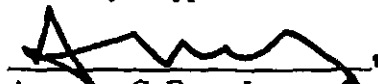
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P.O. Box 636  
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-and-

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901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000  
*Counsel for Appellees*



Augustus C. Epps, Jr.  
Michael D. Mueller  
Noelle M. James  
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CHRISTIAN & BARTON, L.L.P.  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
(804) 697-4100  
*Counsel to Appellants Brighton Commercial L.L.C, et al.*

Michael P. Falzone  
Sheila deLa Cruz  
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The Edgeworth Building  
2100 East Cary Street

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Wilmington, Delaware 19899-0636  
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-and-

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155 North Wacker Drive  
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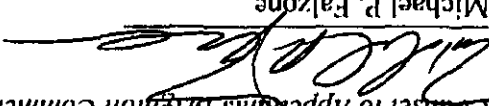
-and-

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Douglas M. Foley (VSB No. 34364)  
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One James Center  
901 E. Cary Street  
Richmond, Virginia 23219  
(804) 775-1000  
*Counsel for Appellees*

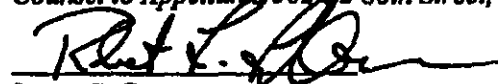
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909 East Main Street, Suite 1200  
Richmond, Virginia 23219-3095  
(804) 697-4100

*Counsel to Appellants Brighton Commercial L.L.C. et al.*  
  
Michael P. Falzone  
Sheila de la Cruz  
HIRSCHLER FLEISCHER, PC  
The Edgeworth Building  
2100 East Cary Street

P.O. Box 500  
Richmond, Virginia 23218  
(804) 771-9500  
*Counsel to Appellants 502-12 86th Street, et al.*



James S. Carr  
Robert L. LeHane  
KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, New York 10178-0002  
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-and-

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David Howard Cox  
David A Rahnis  
JACKSON & CAMPBELL PC  
1120 Twentieth Street, N.W.  
South Tower  
Washington, DC 200036  
(202) 457-1600  
*Counsel to Appellant Port Arthur Holdings III, LTD*

9597549.1

P.O. Box 500  
Richmond, Virginia 23218  
(804) 771-9500  
*Counsel to Appellants 502-12 86th Street, et al.*

---

James S. Carr  
Robert L. LeHane  
KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, New York 10178-0002  
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*Counsel to Appellants Developers Diversified Realty Corporation, et al.*



David Howard Cox  
David A Rahnis  
JACKSON & CAMPBELL PC  
1120 Twentieth Street, N.W.  
South Tower  
Washington, DC 200036  
(202) 457-1600  
*Counsel to Appellant Port Arthur Holdings III, LTD*